

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Yamazaki et al.)
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Serial No.: 09/435,154)
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Filed: November 8, 1999)
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For: Ferroelectric Liquid Crystal And)
 Goggle Type Display Device)
)
Examiner: Ori Nadav)
)
Confirmation No.: 4834)
)
Art Unit: 2811)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE J (AFTER FINAL)

Applicants have the following response to the Final Rejection dated October 4, 2007.

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Final Rejection.

Information Disclosure Statement

In the Final Rejection, the Examiner objects to the information disclosure statement (IDS) filed 7/31/2006 as not including a copy of the cited foreign document. The "IDS" of 7/31/06 (actually filed with a certificate of mailing on 7/26/06) was merely the correction of the corrected 1449 form filed on 5/25/06, to correct the serial number on the 5/25/06 form.

The Correction of Form 1449 of 5/25/06 was to correct the EPO reference listed on the 1449 of 8/26/05 to recite “EP 0 588 370 A2,” as that was the reference submitted with the IDS.

Applicants are resubmitting this reference in the enclosed IDS. As the Examiner should have already considered this previously submitted reference, the enclosed IDS is not new and should be entered and considered by the Examiner at this time.

Claim Rejections - 35 USC §103

The Examiner also rejects Claims 1-4, 6-9, 11-12, 14-17, 19-22 and 24-25 under 35 USC §103(a) as being unpatentable over Yamazaki (US 6,909,114). This rejection is respectfully traversed.

As Applicants previously explained, Yamazaki is disqualified under 35 USC §103(c) as prior art in a rejection under 35 USC §103(a). However, it is believed that the Examiner objected to the language used in the prior response. Accordingly, Applicants have revised the language, in accordance with the statute, to show that Yamazaki is disqualified as prior art under 35 USC §103(c).

In particular, 103(c)(1) states:

“Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (f) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

In this case, the Examiner is citing Yamazaki as a §102(e) reference. Both the present application and Yamazaki were, at the time the claimed invention was made, owned by the same

person or subject to an obligation of assignment to the same person (i.e. Semiconductor Energy Laboratory Co., Ltd.).

Therefore, since Yamazaki is viewed as subject matter developed by another person (Yamazaki.; the present application is to Yamazaki et al.) which qualifies as prior art only under §102(e) and the subject matter of Yamazaki and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, Yamazaki shall not preclude patentability under §103.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this response, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

Dated: January 3, 2007

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